

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

PARIS L. JAMES,

*Plaintiff,*

v.

JOHN E. WETZEL, *et al*,

*Defendants.*

Civil Action No. 2:21-cv-786

Hon. William S. Stickman IV

Hon. Cynthia Reed Eddy

**ORDER OF COURT**

*Pro se* Plaintiff Paris L. James (“Plaintiff”), currently housed at the State Correctional Institution at Fayette, initiated this action against various individuals employed by the Pennsylvania Department of Corrections for alleged violations of his civil rights while incarcerated. (ECF No. 6). He was granted leave to proceed *in forma pauperis*. (ECF No. 5). The Corrections Defendants<sup>1</sup> filed a Motion to Dismiss and supporting brief arguing that Plaintiff violated Federal Rule of Civil Procedure 8, and he failed to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6) (ECF Nos. 26 and 27). After Plaintiff submitted a Brief in Opposition (ECF Nos. 46 and 47), Chief Magistrate Judge Cynthia Reed Eddy issued a Report and Recommendation recommending that the Corrections Defendants’ motion be granted and Plaintiff’s Complaint be dismissed without prejudice for failure to conform with Federal Rule of Civil Procedure 8. (ECF No. 49). Plaintiff was given the opportunity to file objections, and did so stating that he believes that his Complaint “reasonably and proper [sic] complies with the Fed. R. Civ. P. Rule 8(a)(2).” He further submits that he “will need to research, ponder and reflect on the claims he wishes the Court to consider, however this task is nearly impossible as the PA/DOC and the current institution where plaintiff is housed only provided[sic] plaintiff the sum of (one hour) law library sessions which are grossly inadequate [. . .].” (ECF No. 50, p. 1).

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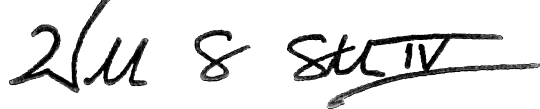
<sup>1</sup> Rhonda House, John Wetzel, Eric Armel, Amy Schaup, Bret King, David Johns, Lois Allen, Scott Riddle, Shelly Mankey, John Smith, Michael Wiles, George Reichart, Melanie Nagy, Joseph Trempus, Christian Sheetz, Wesley Tift, Gerald Dillinger, Mark Capozza, and Scott Nickelson.

The Court, after its independent *de novo* review of the entire record, hereby ADOPTS Chief Magistrate Judge Eddy's Report and Recommendation (ECF No. 49) as its Opinion. It concurs with her thorough legal analysis as to why Plaintiff's Complaint fails as a matter of law for violations of Federal Rule of Civil Procedure. (ECF No. 49). Not only is Plaintiff's Complaint excessive in length, it is rambling, ambiguous and virtually incomprehensible. It does not give any Defendant fair notice of what claims are actually being asserted against them.

AND NOW, this 29<sup>th</sup> day of August 2022, IT IS HEREBY ORDERED that Plaintiff's Complaint is DISMISSED WITHOUT PREJUDICE for failure to conform with Federal Rule of Civil Procedure 8. An Amended Complaint is due in thirty (30) days – by 9-29-22. Plaintiff must adhere to all the directions for filing an Amended Complaint as set forth by Magistrate Judge Eddy on pages six and seven of her Report and Recommendation. (ECF No. 49, pp. 6-7).

IT IS FURTHER ORDERED that Corrections Defendants' Motion to Dismiss (ECF No. 26) is GRANTED IN PART AND DENIED IN PART. It is granted to the extent that Plaintiff failed to adhere to Federal Rule of Civil Procedure 8, and his Complaint is being dismissed without prejudice with leave to amend. Corrections Defendants' motion is denied as to Federal Rule Civil Procedure 12(b)(6) as the Court has afforded Plaintiff the opportunity to file an Amended Complaint.

BY THE COURT:

A handwritten signature in black ink, appearing to read "W S Stickman IV", written over a horizontal line.

WILLIAM S. STICKMAN IV  
UNITED STATES DISTRICT JUDGE